

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DLP FUNDING, LLC,

Plaintiff,

—against—

HEYBURN LLC, ARENSON COURT, LLC, 25
SANDY BLVD, LLC, OXFORD SQUARE, LLC,
KUPIECO LLC, BUNGALOWS @ 142, LLC,
OCKLEY GREEN LLC, BANKLAND, LLC,
BROOKLYN YARD, LLC, BLANDENA LLC,
SUMNER BROWNSTONES, BRIDGETON, LLC,
WES MOORE, LLC, 35 VERMONT, LLC, IVANHOE
PARTNERS, LLC, EAST POWELL, LLC, 20TH &
DIVISION PARTNERS LLC, 42ND AVE, LLC,
HUMBOLDT, LLC, LITTLE TACOMA
CONSTRUCTION LLC, PERRIN CONSTRUCTION,
LLC, 2ND & 3RD AVE. LLC, THE SHOPS AT
BROOKLYN YARD, LLC, OREGON OPEN SPACE
CONSERVANCY, U4IA LLC, HALL LANE LLC,
RACHIS LLC, PARALLAX LLC, OFFICE ON MLK,
LLC, PERRIN LLC, FIELD CREST, LLC,
CALIFORNIA STREET PARTNERS LLC, P.M.P.
L.L.C., FAIROAKS OREGON, LLC, CORINTHIAN
BUILDING, LLC, ZYGOTE L.L.C., TRILLIUM
SPRINGS L.L.C., 13 GERTZ LLC, EASTMAN
PKWY, LLC, 904 MAIN LLC, FRANCIS STREET
INVESTORS LLC, and PETER MICHAEL PERRIN,

Defendants.

25 Civ. 2903

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants HEYBURN LLC, LITTLE TACOMA CONSTRUCTION LLC and PETER MICHAEL PERRIN (collectively, “Represented Defendants”), by and through their attorneys, Kasell Law Firm, hereby remove this action to the United States District Court for the Eastern District of New York.

The Represented Defendants respectfully state the following grounds for removing this action:

1. Heyburn LLC, Little Tacoma Construction LLC and Peter Michael Perrin are defendants in a civil action entitled *DLP Funding, LLC v. Heyburn LLC et al.*, (“State Court Action”) filed by DLP Funding, LLC (“Plaintiff”) under Index Number No. 514055/2025 in Kings County Supreme Court. Plaintiff has stated that its principal place of business is 447 Broadway, 2nd Floor, Unit 805, New York, NY 10013.

2. Upon all information and belief, all members of Plaintiff are citizens of the state of New York.

3. Represented Defendants are all citizens of the state of Oregon.

4. In particular, Heyburn, LLC and Little Tacoma Construction, LLC are limited liability companies formed under the laws of the state of Oregon, with a principal place of business in Oregon at 305 Southeast 3rd Avenue, Suite 304, Portland, OR 97214.

5. Heyburn, LLC, has as its sole member another LLC, which is formed under the laws of the state of Oregon with a principal place of business in Oregon at 305 Southeast 3rd Avenue, Suite 304, Portland, OR 97214, and in turn has as its sole member Peter Perrin.

6. Little Tacoma Construction, LLC has as its sole member Peter Perrin.

7. Peter Perrin is a citizen of the state of Oregon, residing in Portland, Oregon.

8. Upon information and belief, Francis Street Investors LLC is a limited liability company formed under the laws of Oregon, who has two members that are citizens of California and are not parties to this lawsuit.

9. The remaining LLCs are all currently inactive and were inactive at the time the underlying contract was executed and all all times inbetween those two dates. When active, those

LLCs had one member, Peter Perrin, except for the following: 25 SANDY BLVD, LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon), EAST POWELL, LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon), 20TH & DIVISION PARTNERS LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon), 2ND & 3RD AVE. LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon), U4IA LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon), CALIFORNIA STREET PARTNERS LLC (Peter Perrin and another person who is an Oregon citizen and still living), CORINTHIAN BUILDING, LLC (Peter Perrin and another member who is deceased and was a citizen of Oregon).

10. Plaintiff initiated the action in the State Court on April 28, 2025, under *DLP Funding, LLC v. Heyburn LLC*, No. 514055/2025 (N.Y. Sup. Ct. Kings Cty. 2025).

11. Plaintiff seeks damages on a breach of contract and breach of personal guaranty on a Merchant Cash Advance (“MCA”) Agreement (the “Agreement”) in the amount of \$98,934.00 plus the attorney’s fees, prejudgment interest, costs and disbursements.

12. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1332 because the amount in controversy exceeds \$75,000.00 and the parties are completely diverse in citizenship.

13. Pursuant to 28 U.S.C. § 1446(b)(1), this removal of the action is within 30 days after the receipt of the summons and complaint by the Represented Defendants and therefore timely.

14. Pursuant to 28 U.S.C. § 1446(d), Represented Defendants will promptly give written notice of the removal to federal court of the State Court Action to Plaintiff.

15. Defendants will send this Notice of Removal to Plaintiff's counsel of record and will file a copy of this Notice of Removal with the clerk of the state court in which the State Court Action is pending.

16. Pursuant to Rule 38 of the Federal Rules of Civil Procedure, a jury trial is demanded on all issues so triable.

WHEREFORE, Represented Defendants request that this civil action be removed from Kings County Supreme Court to the United States District Court for the Eastern District of New York.

Dated: May 24, 2025
Long Island City, NY

/s/ David Kasell
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